SINGLE BENCH (2)(5)(6)

CF 1007

IN THE HON'BLE HIGH COURT OF OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 4917 /2006

PETITIONER : Hari Singh Rajput
S/o Shri Dwarika Singh Rajpoot
Aged about 45 yrs.
Posted as Assistant Soil Survey Officer cum Sub Divisional Officer, Agriculture Department, Bilaspur, resident at Chandra Vihar Colony, Mangla Road, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh, Through : Its Secretary, Department of Agriculture, Mantralay, D.K.S. Bhavan, Raipur (C.G.)
2. Avar Sachiva, Department of Agriculture, Mantralay, D.K.S. Bhavan, Raipur (C.G.)
3. Director, Department of Agriculture, Labhandi Form, Raipur (C.G.)
4. Joint Director, Department of Agriculture, Division, Bilaspur (C.G.)
5. Deputy Director, Department of Agriculture, District Bilaspur (C.G.)

P.R. No. 4918/06 Presented by Shri Suresh Pandey dated 6/9/06

RECEIVED-COPY 6/9/06 CLERK to A.G. BILASPUR

COMMISSIONER Kaushik 6/9/06 TAHSIL AREA

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRIT/ WRITS IN THE NATURE OF MANDAMUS/AND/OR CERTIORARI/AND/OR PROHIBITION/AND/OR APPROPRIATE DIRECTION/DIRECTIONS, ORDERS/ ORDERS

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Mr. Satish K. Agnihotri, J.

W. P. (s) No. 4917 of 2006

Petitioner : Hari Singh Rajput

versus

Respondents : State of Chhattisgarh & others

Present :

Shri Suresh Pandey, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER

(Passed on 8th September, 2006)

1. Learned counsel appearing for the petitioner submits that the petitioner was working as Assistant Soil Survey Officer-cum-Sub Divisioinal Officer, Agriculture Development, Bilaspur.

2. At the relevant time, by order dated 11.8.2006, service of the petitioner was suspended on the ground of serious irregularities alleged against him, which was under contemplation for holding the departmental enquiry against the petitioner.

3. Be that as it may, having regard to the facts and circumstances of the case, at this stage when the suspension order was passed, contemplating departmental enquiry against him, it is not necessary to go into the allegations and counter

allegations made by the parties and further, it is not necessary to go into the legality/validity of the impugned order, at this stage.

4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to use undue influence in the proceedings of departmental enquiry and likely tampering with on records. At this stage, it is not necessary to go into the charges levelled against the petitioner because it may prejudice the case of the parties in the proposed departmental enquiry.

5. For the reasons aforementioned, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu